

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Division

MOHAN A. HARIHAR

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

COMMONWEALTH OF MASSACHUSETTS,
MA DEPARTMENT OF REVENUE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. TBD

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MOHAN A HARIHAR		
Address	7124 AVALON DRIVE		
	ACTON	MA	01720
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	MIDDLESEX		
Telephone Number	617.921.2526		
E-Mail Address	mo.harihar@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	COMMONWEALTH OF MASSACHUSETTS		
Job or Title (if known)	MASSACHUSETTS ATTORNEY GENERAL'S OFFICE (COUNSEL)		
Address	1 ASHBURTON PLACE, 20TH FLOOR		
	BOSTON	MA	02108
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	SUFFOLK		
Telephone Number	617.727.2200		
E-Mail Address (if known)	katherine.dirks@state.ma.us; john.dupuis@state.ma.us		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	MASSACHUSETTS DEPARTMENT OF REVENUE		
Job or Title (if known)	COMMISSIONER OF REVENUE		
Address	100 CAMBRIDGE STREET, SUITE 500		
	BOSTON	MA	02114
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	SUFFOLK		
Telephone Number	800.392.6089		
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

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Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? (1) Denying the Plaintiff a Trial by Jury w/o just cause; (2) Refusing to establish a “Balance of Hardships” including assistance w/ appointment of counsel & waiver of court fees; (3) Continuing to issue orders after recusal/disqualification - without jurisdiction (ARTICLE III and ; (4) Denying Right to Discovery/Subpoenaed Testimony; (5) Equal Protection violations.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

SEPARATE COMPLAINT FILED TO ADDRESS RELATED VIOLATIONS BY FEDERAL OFFICIALS.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- At minimum, the records show that identified judicial officers failed/refused to: (1) acknowledge Undisclosed Conflicts of Interest; (2) uphold multiple Massachusetts General Laws, beginning w/ Indigency and the ability to retain counsel; (3) uphold the Judicial Oath of Office/Judicial Cannons; (4) Uphold the US and Massachusetts Constitution; (5) Recuse, after clear evidence of disqualification - and continuing to issue orders w/out jurisdiction (or continued to rule after recusal); (6) address evidenced clerk and attorney misconduct; (7) restore jurisdiction and establish a balance of hardships

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Multiple State courts in Middlesex County: (1) Middlesex Superior Court; (2) MA Land Court; (3) Northeast Housing Court; (4) Lowell District Court; (5) MA Appeals Court; also (6) the MA DOR; (7) the MA Appellate Tax Board; (8) All related Federal complaints filed in the US District Court of Massachusetts (Addressed separately). Additionally reference all related Criminal Complaints filed with the MA Attorney General's Office, FBI and Justice Department (Civil Rights Division).
- B. What date and approximate time did the events giving rise to your claim(s) occur?
Reference all of the Plaintiff's: (1) Massachusetts Civil dockets filed from 2011 - present; and (2) All related Federal complaints filed by Mr. Harihar in the US District Court of Massachusetts since 2015. All judgements/orders of record are considered entirely void, as they were issued by recused/disqualified judicial officers - who lack (or lost) any/all jurisdiction to rule in these matters.
- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
The Plaintiff's claims stem from litigation filed in Massachusetts State Courts, related Federal litigation & unlawful Tax/Debt Collection practices that have continued without correction since 2011. Plaintiff claims involve the illegal foreclosure of Mr. Harihar's residential property, as identified by: (1) the DOJ; (2) Federal Bank Regulators; & (3) the MA Attorney General's Office. Civil complaints were filed to recoup additional damages not covered by 2 separate settlement checks (uncashed) from legal actions brought by the Government - and a recent (third) settlement proposal from Bank Defendant - WELLS FARGO, including a Letter of Admission. A separate complaint(s) was filed w/ the Land Court to address evidenced Homestead Protection violations identified with the Plaintiff's residential property. Each case has evidenced judicial violations believed to be based (at least in part) on Mr. Harihar's race as an Indian American Citizen, Indigency status, inability to retain legal counsel on his own - & even his voting history in support of President Elect - Donald J Trump. Examples include (but are not limited to): (1) Refusing to assist w/the appointment of counsel; (2) Refusing Discovery/Subpoenaed Testimony; (3) Denying a Trial by Jury; (4) Federal Tampering/ Mail Fraud violations; (5) Continuing to rule after Recusal/Disqualification; (6) Judicial Retaliation including unlawful threat of sanctions; (7) Blatant disregard for the Constitution, Judicial Code of Conduct and Civil Rules of Procedure; (8) Unopposed

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

At minimum, the Plaintiff's injuries which originated with the illegal foreclosure of his residential property, have been magnified exponentially by systemic failures evidenced by the Commonwealth and the MA DOR include (but are not limited to): (1) Mr. Harihar is still unlawfully faced with a severe financial hardship and forced to live in 40b affordable housing, when he should have been allowed to legally return to his home more than 13 years ago; (2) Loss of marriage; (3) Loss of income/career - Mr. Harihar was forced to leave a corporate sales career in order to represent himself in this legal battle. Recused/disqualified judicial officers refused to uphold Massachusetts Indigency laws which should have assisted the Plaintiff with the appointment of legal counsel - allowing him to remain in his professional career. Instead, he has unlawfully been forced to represent himself as a pro se litigant - since 2011. All retirement savings are gone as a result of these egregious judicial/MA DOR abuses. The Plaintiff necessarily works as a part-time bartender to pay for everyday living expenses while spending an average of 60 hours/week on legal work; (3) Emotional Distress - resulting not only from the fraudulent foreclosure of the Plaintiff's home, but also the related systemic government abuses that have been allowed to continue without correction for over 13 years.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

The Plaintiff will seek the assistance of legal counsel to help determine the full extent of relief that is warranted, considering the severity of legal issues and abuses that have unnecessarily continued for more than 13 years - including treble damages, punitive damages - and all other relief deemed appropriate by the court. The Plaintiff additionally seeks reimbursement for his time - calculated at the same hourly rate as the opposing counsel.

Please note - For this Color of Law/Civil Rights complaint, the Plaintiff has made multiple efforts (in good faith) to extend Alternative Dispute Resolution/Mediation offers to justly resolve all existing legal issues with the Commonwealth and MA DOR. However, there continues to be no response from representing attorneys from the MA AGO and for the Commissioner of Revenue (COR)/MA DOR.

Finally, please note that since this complaint includes violations ARTICLE

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/05/2025

Signature of Plaintiff Mohan A. Harihar

Printed Name of Plaintiff Mohan A. Harihar

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City

State

Zip Code

Telephone Number _____

E-mail Address _____

Attachment A

STATEMENT OF CLAIM (C) – FULL TEXT

The Plaintiff's claims stem from litigation filed in Massachusetts State Courts, related Federal litigation & unlawful Tax/Debt Collection practices that have continued without correction since 2011. Plaintiff claims involve the illegal foreclosure of Mr. Harihar's residential property, as identified by: (1) the DOJ; (2) Federal Bank Regulators; & (3) the MA Attorney General's Office. Civil complaints were filed to recoup additional damages not covered by 2 separate settlement checks (uncashed) from legal actions brought by the Government - and a recent (third) settlement proposal from Bank Defendant - WELLS FARGO, including a Letter of Admission. A separate complaint(s) was filed w/ the Land Court to address evidenced Homestead Protection violations identified with the Plaintiff's residential property. Each case has evidenced judicial violations believed to be based (at least in part) on Mr. Harihar's race as an Indian American Citizen, Indigency status, inability to retain legal counsel on his own - & even his voting history in support of President Elect - Donald J Trump. Examples include (but are not limited to): (1) Refusing to assist w/the appointment of counsel; (2) Refusing Discovery/Subpoenaed Testimony; (3) Denying a Trial by Jury; (4) Federal Tampering/ Mail Fraud violations; (5) Continuing to rule after Recusal/Disqualification; (6) Judicial Retaliation including unlawful threat of sanctions; (7) Blatant disregard for the Constitution, Judicial Code of Conduct and Civil Rules of Procedure; (8) Unopposed Rule 60b violation claims; (9) Undisclosed Conflicts of Interest; (10) Ignoring the clear misrepresentation of facts by opposing counsel. In summary, the Plaintiff has Publicly evidenced an unprecedented level of egregious & systemic judicial - and MA DOR abuses in this Commonwealth for a period exceeding 13 years.

V. RELIEF – FULL TEXT

The Plaintiff will seek the assistance of legal counsel to help determine the full extent of relief that is warranted, considering the severity of legal issues and abuses that have unnecessarily continued for more than 13 years - including treble damages, punitive damages - and all other relief deemed appropriate by the court. The Plaintiff additionally seeks reimbursement for his time - calculated at the same hourly rate as the opposing counsel.

Please note - For this Color of Law/Civil Rights complaint, the Plaintiff has made multiple efforts (in good faith) to extend Alternative Dispute Resolution/Mediation offers to justly resolve all existing legal issues with the Commonwealth and MA DOR. However, there continues to be no response from representing attorneys from the MA AGO and for the Commissioner of Revenue (COR)/MA DOR.

Finally, please note - since this complaint includes evidenced Treason violations as defined under ARTICLE and 18 U.S. Code § 2381, regular updates are being delivered to the incoming Trump Administration, to ensure the President Elect - and forthcoming Head of the Executive Branch is aware of these reported violations against the US Constitution.